

1897 Hanover Pike  
Littlestown, PA 17340  
February 14, 1985

14-15  
Steel  
ORIGINAL  
(Red)  
112398

Mr. Nicholas DeBenedictis, Secretary  
Department of Environmental Resources  
Harrisburg, PA 17120

Dear Sir:

The meeting in your office on December 18, 1984, brought many positive statements from DER concerning the problems of landfills and the pollution they bring to any geographical area. The group of people who sat there that day and listened to you and members of your staff as you expressed your concern for water pollution, left the meeting saying, "we have finally accomplished something; we have met the right people and they are concerned enough to correct the problem."

However, apparently the public has been misled again by those in power. Nothing has occurred to this date (approximately 60 days after the meeting) that would indicate any intention on your part to do anything toward a solution to this problem. You agreed to forward all correspondence to the Union Township Supervisors that transpired between DER and Keystone Sanitation. The only correspondence received to date is the Tim Brown test results. Therefore, it must be assumed that DER has no intention to correct even the most visible violations of the landfill, let alone solve any of the more serious, unseen problems. On January 29, 1985, I was advised that the monitoring well on the south side of the landfill has been polluted, thereby proving that the contaminated water is moving off site.

There are many visible violations of Act 97 and Chapter 75 that could be corrected in 60 days or less. If DER wishes to try to prove to the people that it is serious about water contamination, the least you as Secretary could do would be to issue a directive that the violations be corrected within 60 days, or the landfill would be closed. According to Act 97, Article I Section 104, the Powers and Duties of the Department are to:

1) "administer the solid waste management program pursuant to the provisions of this act"

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2) "cooperate with appropriate Federal, State, interstate and local units of government and with appropriate private organizations in carrying out its duties under this act"

6) "regulate the storage, collection, transportation, processing, treatment and disposal of solid waste"

7) "issue permits, licenses and orders, and specify the terms and conditions thereof, and conduct inspections and abate public nuisances to implement the purposes and provisions of this act and the rules, regulations and standards adopted pursuant to this act"

11) "institute prosecutions against any persons or municipality under this act"

13) "do any and all other acts and things not inconsistent with any provision of this act, which it may deem necessary or proper for the effective enforcement of this act and the rules or regulations which may be promulgated hereunder after consulting with the Department of Health regarding matters of public health significance"

These quotes are only a few of the total powers and responsibilities of the Department.

The Department has developed rules and regulations to carry out Act 97. During our discussion on December 18, 1984, both you and Representative Goodling made statements that this is a local and state issue. The local government (Union Twp.) has tried to solve the problem by passing an ordinance. However, the landfill challenged the ordinance and the county judge declared the ordinance void in the area of enforcement, stating that this is state jurisdiction. The county government has not, to my knowledge, attempted to enforce any regulations to date. Therefore, it falls back on DER to enforce their own regulations.

The following regulations are at present and have been violated for many months, even years, without DER insistence on improvement. DER inspectors have been on the site many times in the past, but most, if not all of the following have been ignored. (Chapter 75 Regulations and/or Act 97 sections will be stated, followed by a statement of violation).

1. 75.21 (I) - access road not 22 feet wide
2. 75.21 (M-2) - no hours of operation posted at entrance

3. 75.21 (M-3) - no gate or fence at entrance
4. 75.26 (L) - waste not covered daily
5. 75.26 (J,K) - no portable fence in place to control litter
6. 75.26 (P) - completed landfill soil cover not re-vegated
7. 75.26 (G); 75.29 (a); 75.29 (H-4) - public health hazard and nuisance - roadside litter, dust, mud
8. 75.29 (b); 75.29 (I-1,2) - disposal vehicles not leak proof
9. Act 97, section 104-2 - local municipality not notified by DER of contamination or correspondence with landfill
10. 75.29 (J-11,12) - disposal vehicles, when cleaned, produce litter not properly disposed

The above violations are clearly visible to anyone who wishes to visit near the site. The following items need to be investigated closely for Act 97 or regulation violations:

1. erosion control on south side very questionable
2. spray irrigations done in near proximity of residence; residence in general down wind location
3. erosion control ditches non-existent or filled
4. no spray irrigation during cold weather, therefore no oxidation of volatile organics during that period

Other possible violations of even a more serious nature, because they affect unseen problems, are:

1. depth of landfill may be in bedrock or at least on top of it
2. portions of landfill may be under the water level
3. hazardous waste buried in landfill without proper preparation - phosphorous, etc.
4. reworking of already filled portions of landfill with new waste
5. newly discovered contamination in monitoring well

According to Chapter 75.21 (G), "No person shall operate a solid waste processing or disposal facility area or system which is not in compliance with the provisions of this chapter." Also, Chapter 75.29(H-6) "permits granted by the Department under the provisions of this chapter shall be subject to suspension or revocation at any time the Department has determined that the transport system is being operated in violation of the permit and applicable statutory and regulatory requirements.

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Also, Act 97 Section 503 (C), "In carrying out the provisions of this act; the Department may deny, suspend, modify or revoke any permit or license if it finds that the applicant, permittee or licensee has failed or continues to fail to comply with any provision of this act . . ." and (e) "any permit or license granted by the department, as provided in this act, shall be revocable or subject to modification or suspension at any time the department determines that the solid waste storage, treatment, processing or disposal facility or area or transportation of solid waste:

1. is, or has been, conducted in violation of this act or the rules, regulations, adopted pursuant to the act;
2. is creating a public nuisance;
3. is creating a potential hazard to the public health, safety and welfare;
4. adversely affects the environment;
5. is being operated in violation of any terms or conditions of the permit; or
6. was operated pursuant to a permit or license that was not granted in accordance with law."

Please respond to each of the above statements separately in a manner that will assure the residents of Union Township and surrounding municipalities, such as the boroughs of Littlestown and Hanover and residents of Maryland, that DER is concerned about providing a clean and safe water supply to all concerned.

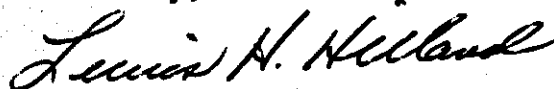
It is my opinion, based on former discussions, that:

1. The landfill should cease immediately (60 days) all operations except receiving those wastes that it was originally designed to receive.
2. DER provide the landfill operator with a complete list of violations of Act 97 with 30 days of this letter and that corrections be made by the operator within 30 days, or reason why it can not correct within that time limit and provide a reasonable schedule for those items.
3. Landfill operations cease when present permit acreage, without any further modifications, becomes filled according to Act 97 and pursuant regulations.

4. If the above three statements are not fully instituted within the 60 day limitation, a full investigation be conducted by proper Federal authorities, (Federal since the state of Maryland is also affected) into the lack of enforcement of State and Federal laws and regulations concerning landfills.

I apologize for the length and tone of this letter, but was prompted to write it based on your letter of January 14, 1985, thanking the participants of the meeting of December 18, 1984. In your letter you made the statement that "The Commonwealth relies on local government in planning and monitoring our solid waste issues, and we will be asking more from you in the future." I also hope we can interest Adams County in solving this problem.

Sincerely,



Lewis H. Hillard

Union Township Planning Commission Chm.

cc:

Governor Richard L. Thornburgh  
Senator Arlen Specter  
Senator H. John Heinz, III  
Congressman William F. Goodling  
Senator William J. Moore  
Representative Kenneth J. Cole  
Neil Swanson, E.P.A.  
Adams County Commissioners  
Adams County Planning Commission  
Union Township Supervisors  
Littlestown Borough Council  
Hanover Borough Council  
Carroll County Commissioners  
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